vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2478 OF 2004
IN
SUIT NO.4041 OF 2003

Rajesh Padmashali ... Plaintiff

V/s.

Suresh Harnamdas Nagdev ... Defendant

Mr.K.K.V. Kurup for Plaintiff
Mr.S.A. Sawant for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 13, 2006**

P.C.:

. The Notice of Motion has been taken out for enhancing the royalty fixed by the Court Receiver on 14.7.2004. According to the Plaintiff, the royalty ought to have been fixed @ Rs.20,000/- per month instead of Rs.5,000/-. In reply to the Notice of Motion, the Defendant has annexed an order passed in the Chamber Summons taken out by him for reduction of the royalty. The Defendant had sought the reduction of the royalty from Rs.5,000/- to Rs.500/-. This Court by an order dated 25.4.2005 directed that the royalty be reduced to Rs.2,500/- per month. The arrears @ Rs.2,500/- were to be deposited with the Court Receiver on or before 30.6.2005. These arrears have already been paid.

2. In my view, therefore, the present Motion has become infructuous as there is already an order an order of reduction of royalty. Motion is therefore, dismissed.